

2013-2014 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-1763/P3ins  
TKK:.....

INSERT ANALYSIS 5A-TKK

***Reporting of attempts to influence legislative action by state agencies***

STET  
X  
Current law requires employees and officers of state agencies that attempt to influence legislative action to biennially file a statement that identifies the name of the agency; the name, title, and salary paid to the employee or officer; the amount of time spent on the activity; and the general area of legislative action the employee or officer has attempted to influence. For purposes of this requirement, the statutes define "agency" to mean "any board, commission, department, office, society, institution of higher education, council, or committee in the state government" and certain authorities created under state law, except that agency does not include a council or committee of the legislature. This bill requires the officer or employee to report the number of each bill on which the officer or employee attempts to influence legislative action.

introduced  
INSERT ANALYSIS 5B-TKK

***Ethics training for lobbyists and legislators***

GAB  
GAB  
Currently, the Government Accountability Board administers programs to explain the laws that regulate lobbying and prescribe codes of ethics for state public and elected officials. These programs are offered to state public officials, elective public officials, and candidates for public office, among others. This bill requires any person seeking a license to practice as a lobbyist to complete 4 credits of ethics training administered by the Government Accountability Board within the 24 months preceding the individual's application to practice as a lobbyist. The bill also requires each member of the legislature to complete ethics training administered by the Government Accountability Board prior to taking the oath of legislative office.

INSERT ANALYSIS 6-TKK

***Prohibitions on certain expenditures by school districts***

Current law generally limits the amount of per pupil revenue a school district may receive from general school aids and property taxes to the amount of revenue allowed per pupil in the previous school year. A school board may adopt a resolution to exceed the revenue limit; a resolution adopted by the school board must be submitted to the electors of the school district at a referendum before the school district may exceed its revenue limit. This bill prohibits a school board from spending any state aid or property tax revenue to publish or disseminate information related to or to promote any referendum called by the school district to exceed its revenue limit.

**INSERT 39-22**

**SECTION 1.** 13.025 of the statutes is created to read:

**13.025 Ethics training for members.** Before the oath of office may be administered to any member of the legislature, the member shall complete ethics training administered by the government accountability board under s. 19.48 (9).

\*\*\*\*NOTE: The drafting instructions directed us to "require all legislators to take ethics training just like legislative staffers are currently required to." The GAB does administer programs under s. 19.48 (9), stats., to explain lobbying and ethics to lobbyists, state public officials, elective public officials, and others. However, no statutory provision requires legislative staffers to complete this instruction.

Also, requiring a member of the legislature to complete ethics training may be construed as a qualification of a legislator that is not explicitly provided for in the constitution. As such, it may not be enforceable. See, e.g., Opinion of Attorney General, August 26, 1976.

That said, it wasn't clear from the drafting instructions when each member must complete the ethics training or how many hours of ethics training the member must complete. This draft does not specify the number of hours the member must complete, but requires the member to complete the ethics training before the member is sworn in. Okay?

**INSERT 40-8 A**

**SECTION 2.** 13.63 (1) (a) of the statutes is amended to read:

13.63 (1) (a) An ~~application~~ applicant for a license to act as a lobbyist may be obtained obtain an application from and ~~filed~~ file the application with the board. Except as authorized under par. (am), an applicant shall include his or her social security number on the application. The ~~application~~ applicant shall ~~be signed~~, under the penalty for making false statements under s. 13.69 (6m), ~~by the lobbyist~~ sign the application. The applicant shall submit with the application the applicable fee under s. 13.75 (1) or (1m) and evidence that the applicant has completed 4 hours of ethics training administered by the board under s. 19.48 (9) within the preceding 24 months. Upon approval of the application and payment of the applicable license fee under s. 13.75 (1) or (1m) to ~~by~~ the board, the board shall issue a license ~~which to the~~ applicant. A license issued under this paragraph entitles the licensee to practice

1 lobbying on behalf of each registered principal ~~who or which has filed for whom or~~  
2 ~~which~~ an authorization for that lobbyist, as required under s. 13.65 ~~for that lobbyist,~~  
3 has been filed and paid for whom or which the authorization fee required under s.  
4 13.75 (4) has been paid. The A license issued under this paragraph shall expire on  
5 December 31 of each even-numbered year.

History: 1977 c. 29, 278; 1979 c. 32 s. 92 (1); 1985 a. 29; 1985 a. 182 s. 57; 1989 a. 338; 1995 a. 27; 1997 a. 191, 237; 1999 a. 9, 32, 186; 2007 a. 20.

(Sp) \*\*\*\*\*NOTE: The drafting instructions directed us to require all lobbyists to biennially <sup>d</sup>  
complete (4) hours of ethics and administrative training courses. I impose this  
requirement as a condition of licensure; the applicant must have completed the training  
within the preceding 24 months. Does this accomplish your intent? Do you want to  
specify when this requirement would first apply to an applicant for a lobbying license?

\*\*\*\*\*NOTE: The drafting instructions provide that "additional costs to GAB will be  
funded by fee paid by each lobbyist." Currently, s. 19.48 (9) permits, but does not require,  
GAB to impose a fee for such training. Do you want to require GAB to impose a fee upon  
participants in the training who are lobbyists or applicants for a license to act as a  
lobbyist?

6 ~~SECTION 4.~~ 13.695 (1) (a) of the statutes is amended to read:

7 13.695 (1) (a) The name of the agency filing the statement;

History: 1977 c. 278, 418; 1979 c. 34; 1981 c. 314 s. 146; 1989 a. 338.

8 **SECTION 4.** 13.695 (1) (b) of the statutes is amended to read:

9 13.695 (1) (b) The name, title, and salary, which is paid by the state, of each  
10 officer or employee engaged in such legislative activity, ~~the~~.

11 (c) The proportionate amount of time spent on legislative activity and the  
12 general area of legislative action by each such officer or employee.

13 (d) The number of each introduced bill on or about which the officer or employee  
14 has attempted to influence legislative action.

History: 1977 c. 278, 418; 1979 c. 34; 1981 c. 314 s. 146; 1989 a. 338.

15 **SECTION 5.** 120.13 (intro.) of the statutes is amended to read:

16 **120.13 School board powers.** (intro.) The Subject to the prohibitions on  
17 publishing or disseminating information related to or promoting a referendum under  
18 s. 121.91 (3) (a), the school board of a common or union high school district may do  
19 all things reasonable to promote the cause of education, including establishing,

End  
Insert  
40-8A

Begin  
Insert  
40-8C

1 providing, and improving school district programs, functions, and activities for the  
2 benefit of pupils, and including all of the following:

\*\*\*\*NOTE: Do you want to affect the ability of the state superintendent <sup>or both</sup> ~~and~~ or DPI  
to make expenditures related to a referendum?

**History:** 1973 c. 94, 290; 1975 c. 115, 321; 1977 c. 206, 211, 418, 429; 1979 c. 20, 202, 221, 301, 355; 1981 c. 96, 314, 335; 1983 a. 27, 193, 207, 339, 370, 518, 538; 1985 a. 29 ss. 1725e to 1726m, 1731; 1985 a. 101, 135, 211; 1985 a. 218 ss. 12, 13, 22; 1985 a. 332; 1987 a. 88, 187; 1989 a. 31, 201, 336, 359; 1991 a. 39, 226, 269; 1993 a. 16, 27, 284, 334, 399, 450, 481, 491; 1995 a. 27 ss. 4024, 9126 (19), 9145 (1); 1995 a. 29, 32, 33, 65, 75, 225, 235, 289, 439; 1997 a. 27, 155, 164, 191, 237, 335; 1999 a. 9, 19, 73, 83, 115, 128; 1999 a. 150 s. 672; 1999 a. 186; 2001 a. 38, 98, 103, 105; 2003 a. 254; 2005 a. 22, 194, 290, 346; 2005 a. 443 s. 265; 2007 a. 20 ss. 2738, 9121 (6) (a); 2007 a. 36, 70, 97; 2009 a. 14, 28, 76, 146, 185, 208, 218; 2011 a. 105, 162, 168, 258, 260.

3 **SECTION 6. 121.91 (3) (a) of the statutes is amended to read:**

4 121.91 (3) (a) If a school board wishes to exceed the limit under sub. (2m)  
5 otherwise applicable to the school district in any school year, it shall promptly adopt  
6 a resolution supporting inclusion in the final school district budget of an amount  
7 equal to the proposed excess revenue. The resolution shall specify whether the  
8 proposed excess revenue is for a recurring or nonrecurring purpose, or, if the  
9 proposed excess revenue is for both recurring and nonrecurring purposes, the  
10 amount of the proposed excess revenue for each purpose. The resolution shall be filed  
11 as provided in s. 8.37. Within 10 days after adopting the resolution, the school board  
12 shall notify the department of the scheduled date of the referendum and submit a  
13 copy of the resolution to the department. The school board shall call a special  
14 referendum for the purpose of submitting the resolution to the electors of the school  
15 district for approval or rejection. In lieu of a special referendum, the school board  
16 may specify that the referendum be held at the next succeeding spring primary or  
17 election or partisan primary or general election, if such election is to be held not  
18 sooner than 70 days after the filing of the resolution of the school board. The school  
19 board may not expend any revenue to publish or disseminate information related to  
20 or promote any referendum held under this paragraph. The school district clerk

- 1 shall certify the results of the referendum to the department within 10 days after the
- 2 referendum is held.

**History:** 1993 a. 16; 1995 a. 27 ss. 4108m to 4114, 9145 (1); 1997 a. 27, 113, 164, 237, 286; 1999 a. 9, 17, 19, 32, 182; 2001 a. 16; 2005 a. 25, 219; 2007 a. 1, 20; 2009 a. 28; 2011 a. 32, 75, 114.

\*\*\*\*NOTE: Revenue is defined for purposes of this section as "the sum of state aid and the property tax levy" Wis. Stat. s. 121.90 (1m). Does the prohibition on expenditures under this paragraph accomplish your intent?

\*\*\*\*NOTE: This bill does not modify the provisions in this section governing the holding or scheduling of referenda; those changes are being prepared in a separate draft.

**2013-2014 DRAFTING INSERT**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1763/P3insJK  
JK:all:rs

**Insert 4A - JK**

Under current law, the limits for contributions by an individual or committee, other than a political party or legislative campaign committee, to a candidate's campaign are as follows:

1. For candidates for governor, lieutenant governor, secretary of state, state treasurer, attorney general, state superintendent, or justice, \$10,000, except that a committee may contribute up to four percent of the disbursement level established under current law. ✓

2. For candidates for state senator, \$1,000. ✓

3. For candidates for state assembly representative, \$500. ✓

Under this bill, the limits for contributions by an individual or committee are as follows:

1. For candidates for governor, lieutenant governor, secretary of state, state treasurer, attorney general, state superintendent, or justice, \$10,000 for the primary and \$10,000 for the election, except that a committee may contribute up to four percent of the disbursement level, as modified by the bill (see below under *Disbursement levels*). ✓ 4

2. For candidates for state senator, \$1,000 in the primary and \$1,000 in the election.

3. For candidates for state assembly representative, \$500 in the primary and \$500 in the election.

**Insert 5A - JK**

Under this bill, the disbursement levels are as follows: ✓

1. For candidates for governor, \$1,078,200 in the primary and \$1,078,200 in the election.

2. For candidates for lieutenant governor, \$323,475 in the primary and \$323,475 in the election. ✓

3. For candidates for attorney general, \$539,000 in the primary and \$539,000 in the election. ✓

4. For candidates for secretary of state, state treasurer, state superintendent, or justice, \$215,625 in the primary and \$215,625 in the election. ✓

5. For candidates for state senator, \$34,500 in the primary and \$34,500 in the election.

6. For candidates for state assembly representative, \$17,250 in the primary and \$17,250 in the election.

**Insert 5B - JK**

Under current law, certain registrants are required to file campaign finance reports electronically with the Government Accountability Board. In addition, the board must accept the filing of campaign finance reports in an electronic format from other registrants. The board must specify, by rule, a suitable software for electronic filing and provide copies of that software, at cost, to registrants. A registrant, ✓

GAB

however, must still provide a signed hard copy of a campaign finance report to the board even if the report is filed electronically. <sup>STET</sup> <sup>who is</sup> <sup>whether</sup>

GAB 2 Under the bill, a registrant <sup>who is</sup> <sup>that</sup> files campaign finance reports electronically is not required to file a signed hard copy with the board. In addition, the software that the board specifies for electronic filing must allow a registrant to provide a verifiable electronic signature.

GAB Insert 33 - 5 GAB

1 **SECTION ~~11~~ 11.21 (16)** of the statutes is amended to read:

2 11.21 (16) Require each registrant for whom the board serves as filing officer  
3 and who or which accepts contributions in a total amount or value of \$20,000 or more  
4 during a campaign period to file each campaign finance report that is required to be  
5 filed under this chapter in an electronic format, and accept from any other registrant  
6 for whom the board serves as a filing officer any campaign finance report that is  
7 required to be filed under this chapter in an electronic format. A registrant who or  
8 which becomes subject to a requirement to file reports in an electronic format under  
9 this subsection shall initially file the registrant's report in an electronic format for  
10 the period which includes the date on which the registrant becomes subject to the  
11 requirement. To facilitate implementation of this subsection, the board shall specify,  
12 by rule, a type of software that is suitable for compliance with the electronic filing  
13 requirement under this subsection. The software shall allow a registrant to provide  
14 an electronic signature, as defined in s. 137.11 (8), that is subject to a security  
15 procedure, as defined in s. 137.11 (13). The board shall provide copies of the software  
16 to registrants at a price fixed by the board that may not exceed cost. ~~Each registrant~~  
17 ~~who or which files a report under this subsection in an electronic format shall also~~  
18 ~~file a copy of the report with the board that is recorded on a medium specified by the~~  
19 ~~board. The copy shall be signed by an authorized individual and filed with the board~~  
20 ~~by each registrant no later than the time prescribed for filing of the report under this~~

chapter. The board shall provide complete instructions to any registrant who or which files a report under this subsection. In this subsection, the "campaign period" of a candidate, personal campaign committee or support committee begins and ends with the "campaign" of the candidate whose candidacy is supported, as defined in s. 11.26 (17), and the "campaign period" of any other registrant begins on January 1 of each odd-numbered year and ends on December 31 of the following year.

**History:** 1973 c. 334; 1975 c. 93 ss. 73 to 78, 119 (2); 1977 c. 107; 1979 c. 260, 328; 1981 c. 390 s. 252; 1983 a. 27, 538; 1985 a. 303; 1987 a. 370; 1989 a. 192; 1997 a. 230; 2001 a. 109; 2005 a. 177; 2007 a. 1; 2011 a. 32.

**Insert 34 - 16**

**SECTION ~~11~~ 11.26 (1) (a)** of the statutes is amended to read:

11.26 (1) (a) Candidates for governor, lieutenant governor, secretary of state, state treasurer, attorney general, state superintendent, or justice, \$10,000 in the primary and \$10,000 in the election.

**History:** 1973 c. 334; 1975 c. 93 ss. 89 to 95, 119 (1); 1975 c. 200; 1977 c. 107, 187; 1977 c. 427 s. 132; 1979 c. 263, 328; 1979 c. 355 s. 32; 1983 a. 183, 186; 1985 a. 303 ss. 44 to 55m, 86; 1987 a. 27, 370; 1989 a. 31, 192; 1995 a. 27 s. 9145 (1); 1995 a. 219, 225; 1999 a. 32; 2001 a. 109; 2005 a. 177; 2009 a. 89, 216; 2011 a. 32, 75; s. 35.17 correction in (1) (d) 1.

**SECTION ~~11~~ 11.26 (1) (b)** of the statutes is amended to read:

11.26 (1) (b) Candidates for state senator, \$1,000 in the primary and \$1,000 in the election.

**History:** 1973 c. 334; 1975 c. 93 ss. 89 to 95, 119 (1); 1975 c. 200; 1977 c. 107, 187; 1977 c. 427 s. 132; 1979 c. 263, 328; 1979 c. 355 s. 32; 1983 a. 183, 186; 1985 a. 303 ss. 44 to 55m, 86; 1987 a. 27, 370; 1989 a. 31, 192; 1995 a. 27 s. 9145 (1); 1995 a. 219, 225; 1999 a. 32; 2001 a. 109; 2005 a. 177; 2009 a. 89, 216; 2011 a. 32, 75; s. 35.17 correction in (1) (d) 1.

**SECTION ~~11~~ 11.26 (1) (c)** of the statutes is amended to read:

11.26 (1) (c) Candidates for representative to the assembly, \$500 in the primary and \$500 in the election.

**History:** 1973 c. 334; 1975 c. 93 ss. 89 to 95, 119 (1); 1975 c. 200; 1977 c. 107, 187; 1977 c. 427 s. 132; 1979 c. 263, 328; 1979 c. 355 s. 32; 1983 a. 183, 186; 1985 a. 303 ss. 44 to 55m, 86; 1987 a. 27, 370; 1989 a. 31, 192; 1995 a. 27 s. 9145 (1); 1995 a. 219, 225; 1999 a. 32; 2001 a. 109; 2005 a. 177; 2009 a. 89, 216; 2011 a. 32, 75; s. 35.17 correction in (1) (d) 1.

**Insert 34 - 25**

**SECTION ~~11~~ 11.26 (2) (b)** of the statutes is amended to read:



1           11.26 (2) (b) Candidates for state senator, \$1,000 in the primary and \$1,000 in  
2           the election.

**History:** 1973 c. 334; 1975 c. 93 ss. 89 to 95, 119 (1); 1975 c. 200; 1977 c. 107, 187; 1977 c. 427 s. 132; 1979 c. 263, 328; 1979 c. 355 s. 32; 1983 a. 183, 186; 1985 a. 303 ss. 44 to 55m, 86; 1987 a. 27, 370; 1989 a. 31, 192; 1995 a. 27 s. 9145 (1); 1995 a. 219, 225; 1999 a. 32; 2001 a. 109; 2005 a. 177; 2009 a. 89, 216; 2011 a. 32, 75; s. 35.17 correction in (1) (d) 1.

3           **SECTION 6.** 11.26 (2) (c) of the statutes is amended to read:

4           11.26 (2) (c) Candidates for representative to the assembly, \$500 in the primary  
5           and \$500 in the election.

**History:** 1973 c. 334; 1975 c. 93 ss. 89 to 95, 119 (1); 1975 c. 200; 1977 c. 107, 187; 1977 c. 427 s. 132; 1979 c. 263, 328; 1979 c. 355 s. 32; 1983 a. 183, 186; 1985 a. 303 ss. 44 to 55m, 86; 1987 a. 27, 370; 1989 a. 31, 192; 1995 a. 27 s. 9145 (1); 1995 a. 219, 225; 1999 a. 32; 2001 a. 109; 2005 a. 177; 2009 a. 89, 216; 2011 a. 32, 75; s. 35.17 correction in (1) (d) 1.

**Insert 37 - 24**

6           **SECTION 7.** 11.31 (1) (a) of the statutes is amended to read:

7           11.31 (1) (a) Candidates for governor, \$1,078,200 in the primary and  
8           \$1,078,200 in the election.

**History:** 1973 c. 334; 1975 c. 93 ss. 97 to 102, 119 (1), (2); 1975 c. 199, 422; 1977 c. 107, 187, 272, 449; 1979 c. 263, 328; 1981 c. 314; 1983 a. 51; 1985 a. 182 s. 57; 1985 a. 303; 1985 a. 332 s. 251 (1); 1987 a. 370; 1989 a. 192; 1993 a. 184; 1995 a. 225; 1997 a. 230; 1999 a. 83; 2001 a. 109; 2005 a. 177; 2009 a. 89; 2011 a. 32, 75; s. 35.17 correction in (1) (d).

9           **SECTION 8.** 11.31 (1) (b) of the statutes is amended to read:

10          11.31 (1) (b) Candidates for lieutenant governor, \$323,475 in the primary and  
11          \$323,475 in the election.

**History:** 1973 c. 334; 1975 c. 93 ss. 97 to 102, 119 (1), (2); 1975 c. 199, 422; 1977 c. 107, 187, 272, 449; 1979 c. 263, 328; 1981 c. 314; 1983 a. 51; 1985 a. 182 s. 57; 1985 a. 303; 1985 a. 332 s. 251 (1); 1987 a. 370; 1989 a. 192; 1993 a. 184; 1995 a. 225; 1997 a. 230; 1999 a. 83; 2001 a. 109; 2005 a. 177; 2009 a. 89; 2011 a. 32, 75; s. 35.17 correction in (1) (d).

12          **SECTION 9.** 11.31 (1) (c) of the statutes is amended to read:

13          11.31 (1) (c) Candidates for attorney general, \$539,000 in the primary and  
14          \$539,000 in the election.

**History:** 1973 c. 334; 1975 c. 93 ss. 97 to 102, 119 (1), (2); 1975 c. 199, 422; 1977 c. 107, 187, 272, 449; 1979 c. 263, 328; 1981 c. 314; 1983 a. 51; 1985 a. 182 s. 57; 1985 a. 303; 1985 a. 332 s. 251 (1); 1987 a. 370; 1989 a. 192; 1993 a. 184; 1995 a. 225; 1997 a. 230; 1999 a. 83; 2001 a. 109; 2005 a. 177; 2009 a. 89; 2011 a. 32, 75; s. 35.17 correction in (1) (d).

15          **SECTION 10.** 11.31 (1) (d) of the statutes is amended to read:

16          11.31 (1) (d) Candidates for secretary of state, state treasurer, state  
17          superintendent, or justice, \$215,625 in the primary and \$215,625 in the election.

**History:** 1973 c. 334; 1975 c. 93 ss. 97 to 102, 119 (1), (2); 1975 c. 199, 422; 1977 c. 107, 187, 272, 449; 1979 c. 263, 328; 1981 c. 314; 1983 a. 51; 1985 a. 182 s. 57; 1985 a. 303; 1985 a. 332 s. 251 (1); 1987 a. 370; 1989 a. 192; 1993 a. 184; 1995 a. 225; 1997 a. 230; 1999 a. 83; 2001 a. 109; 2005 a. 177; 2009 a. 89; 2011 a. 32, 75; s. 35.17 correction in (1) (d).

18          **SECTION 11.** 11.31 (1) (e) of the statutes is amended to read:

1           11.31 (1) (e) Candidates for state senator, \$34,500 ~~total~~ in the primary and  
2    \$34,500 in the election, ~~with disbursements not exceeding \$21,575 for either the~~  
3    ~~primary or the election.~~

**History:** 1973 c. 334; 1975 c. 93 ss. 97 to 102, 119 (1), (2); 1975 c. 199, 422; 1977 c. 107, 187, 272, 449; 1979 c. 263, 328; 1981 c. 314; 1983 a. 51; 1985 a. 182 s. 57; 1985 a. 303; 1985 a. 332 s. 251 (1); 1987 a. 370; 1989 a. 192; 1993 a. 184; 1995 a. 225; 1997 a. 230; 1999 a. 83; 2001 a. 109; 2005 a. 177; 2009 a. 89; 2011 a. 32, 75; s. 35.17 correction in (1) (d).

4           **SECTION 12.** 11.31 (1) (f) of the statutes is amended to read:

5           11.31 (1) (f) Candidates for representative to the assembly, \$17,250 ~~total~~ in the  
6    primary and \$17,250 in the election, ~~with disbursements not exceeding \$10,775 for~~  
7    ~~either the primary or the election.~~

**History:** 1973 c. 334; 1975 c. 93 ss. 97 to 102, 119 (1), (2); 1975 c. 199, 422; 1977 c. 107, 187, 272, 449; 1979 c. 263, 328; 1981 c. 314; 1983 a. 51; 1985 a. 182 s. 57; 1985 a. 303; 1985 a. 332 s. 251 (1); 1987 a. 370; 1989 a. 192; 1993 a. 184; 1995 a. 225; 1997 a. 230; 1999 a. 83; 2001 a. 109; 2005 a. 177; 2009 a. 89; 2011 a. 32, 75; s. 35.17 correction in (1) (d).



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-0874/2  
JTK&TKK:kjf:ph

2013 BILL

Insert Analysis 8-TKK

- 1 AN ACT *to amend* 8.50 (intro.), 8.50 (1) (a), 8.50 (1) (c), 8.50 (2) (a), 8.50 (2) (b),  
2 8.50 (4) (f) 1. and 2., 17.02 (1) and 17.18; and *to create* 8.50 (1) (am), 8.50 (3)  
3 (bm) and 8.50 (4) (bm) of the statutes; **relating to:** regulations governing  
4 special elections.

Analysis by the Legislative Reference Bureau

This bill makes various changes in the laws governing special elections.

1. Currently, when a vacancy in the office of a U.S. senator or representative in congress from this state occurs, the vacancy is filled by special election ordered by the governor unless the vacancy occurs between the second Tuesday in April and the second Tuesday in May in the year of the general election in which case it is filled at the general election. This bill provides, in addition, that whenever a U.S. senator or representative in congress is elected to another office after the beginning of his or her term, and the term of the new office or the period during which the senator or representative is eligible to assume office begins prior to the end of the senator's or representative's original term of office, the governor may call a special election to fill the seat of the senator or representative in anticipation of a vacancy, upon receipt of notice of the written resignation of that senator or representative that is effective on a date not later than the date of the proposed special election.

2. Currently, if more than two candidates qualify to have their names appear on the ballot at a special election for a nonpartisan office, a primary is usually held. The names of the two candidates who receive the greatest numbers of votes then qualify to have their names appear on the special election ballot. This bill provides

**BILL**

2 that if a candidate receives a majority of the total number of votes cast in a nonpartisan primary, a special election shall not be held and that candidate shall be certified as the winner of the special election.

20 3. Currently, when a special election must be ordered to fill a vacancy in any of the following, the special election must be held within a designated period following the order: the office of a U.S. senator or representative of this state; certain executive state offices; judicial and legislative state offices; county, city, village, and town offices; the office of municipal judge; and the office of member of the board of school directors of the Milwaukee Public Schools. Under current law, with two exceptions, the date for the special election may not be not less than 62 nor more than 77 days from the date of the order:

a. If the special election is to be held on the day of the general election or to fill a vacancy in a national office, the order must precede the partisan primary or special primary, respectively, by not more than 122 days and by no fewer than 92 days.

b. If the special election is to be held on the day of the spring election, the order must precede the spring primary by not more than 92 days and by not fewer than 49 days.

This bill eliminates the maximum number of days between which a special election may be ordered and held.

30 4. ~~This bill requires the governing body which or the officer who orders a special election to consult with the office with which the order is filed to establish a date for the special election that will promote the greatest voter participation and administrative efficiency.~~

340 5. Current law imposes restrictions on the timing of a special election ordered to fill a vacancy in a judicial office that occurs after the date of the spring election but on or before December 1:

a. If the vacancy occurs in the office of circuit judge, the vacancy must be filled at the succeeding spring election.

b. If the vacancy occurs in the office of court of appeals judge, the vacancy must be filled at the first succeeding spring election when no other court of appeals judge is to be elected from the same court of appeals district.

c. If the vacancy occurs in the office of supreme court justice, the vacancy must be filled at the first succeeding spring election when no other justice is to be elected.

If a vacancy occurs in any of these judicial offices after December 1 but on or before the succeeding spring election, the vacancy must be filled at the second succeeding spring election that corresponds with the spring elections described above. Finally, if, as a result of the resignation of the incumbent, a vacancy occurs in any of these judicial offices after December 1 but on or before the date of the succeeding spring election, and if the incumbent is not a candidate to succeed himself or herself, the vacancy must be filled at the regularly scheduled election.

This bill changes each December 1 date to August 1.

## BILL

4.50 - 6. Current law refers to the authority of the attorney general to order a special election. This bill eliminates that reference.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. 8.50 (intro.) of the statutes is amended to read:

**8.50 Special elections.** (intro.) Unless otherwise provided, this section applies to filling vacancies in the U.S. senate and house of representatives, executive state offices except the offices of governor, lieutenant governor, and district attorney, judicial and legislative state offices, county, city, village, and town offices, and the offices of municipal judge and member of the board of school directors in school districts organized under ch. 119. State Congressional and state legislative offices may be filled in anticipation of the occurrence of a vacancy whenever authorized in sub. (4) (bm) or (e). No special election may be held after February 1 preceding the spring election unless it is held on the same day as the spring election, nor after August 1 preceding the general election unless it is held on the same day as the general election, until the day after that election. If the special election is held on the day of the general election, the primary for the special election, if any, shall be held on the day of the partisan primary. If the special election is held on the day of the spring election, the primary for the special election, if any, shall be held on the day of the spring primary.

SECTION 2. 8.50 (1) (a) of the statutes is amended to read:

8.50 (1) (a) When there is to be a special election; the county board of supervisors shall, except as provided in s. 17.21 (5), order the special election for county office shall be ordered by the county board of supervisors except as provided in s. 17.21 (5); the common council shall order the special election for city office shall

End  
Analysis  
8-TKK

Begin  
Insert  
23-8

**BILL****SECTION 2**

1 ~~be ordered by the common council; the board of trustees shall order the special~~  
2 ~~election for village office shall be ordered by the board of trustees; the town board of~~  
3 ~~supervisors shall order the special election for town office shall be ordered by the~~  
4 ~~town board of supervisors; the school board shall order the special election for school~~  
5 ~~board member in a school district organized under ch. 119 shall be ordered by the~~  
6 ~~school board; the governing body of the municipality shall order the special election~~  
7 ~~for municipal judge shall be ordered by the governing body of the municipality, except~~  
8 ~~in 1st class cities, or if the judge is elected under s. 755.01 (4) jointly by the governing~~  
9 ~~bodies of all municipalities served by the judge; and the governor shall order all other~~  
10 ~~special elections shall be ordered by the governor. When the governor or attorney~~  
11 ~~general issues the order, it shall be filed and recorded in the office of the board. When~~  
12 ~~the county board of supervisors issues the order, it shall be filed and recorded in the~~  
13 ~~office of the county clerk. When the county executive issues the order, it shall be filed~~  
14 ~~in the office of the county board of election commissioners. When the common council~~  
15 ~~issues the order, it shall be filed in the office of the city clerk. When the board of~~  
16 ~~trustees issues the order, it shall be filed in the office of the village clerk. When the~~  
17 ~~town board of supervisors issues the order, it shall be filed in the office of the town~~  
18 ~~clerk. When the school board of a school district organized under ch. 119 issues the~~  
19 ~~order, it shall be filed and recorded in the office of the city board of election~~  
20 ~~commissioners. If a municipal judge is elected under s. 755.01 (4), the order shall be~~  
21 ~~filed in the office of the county clerk or board of election commissioners of the county~~  
22 ~~having the largest portion of the population of the jurisdiction served by the judge.~~

23 **SECTION 3.** 8.50 (1) (am) of the statutes is created to read:

24 8.50 (1) (am) Before issuing an order under par. (a), the county board of  
25 supervisors, governing body of a municipality, school board of a school district

**BILL**

1 ~~organized under ch. 119, or officer shall consult with the office with whom or the~~  
2 ~~agency with which the order is filed to select a date for the special election that will~~  
3 ~~promote the greatest possible voter participation and administrative efficiency.~~

4 **SECTION 4.** 8.50 (1) (c) of the statutes is amended to read:

5 8.50 (1) (c) The order and notice shall specify the office to be filled, the  
6 expiration date of the remaining term of office, the date of the election, the earliest  
7 date for circulating and deadline for filing nomination papers, the area involved in  
8 the election, the name of the incumbent before the vacancy occurred and a  
9 description of how the vacancy occurred, or for an election held under sub. (4) (bm)  
10 or (e), the name of the incumbent and a description of how and when the vacancy is  
11 expected to occur. Except as otherwise provided in this paragraph, the notice shall  
12 include the information specified in s. 10.01 (2) (a).

13 **SECTION 5.** 8.50 (2) (a) of the statutes is amended to read:

14 8.50 (2) (a) The date for the special election shall be not less earlier than 62 ~~nor~~  
15 ~~more than 77~~ days from the date of the order except when the special election is held  
16 to fill a vacancy in a national office or the special election is held on the day of the  
17 general election or spring election and except as provided in sub. (3) (bm). If a special  
18 election is held concurrently with the spring election, the special election may be  
19 ~~ordered not earlier than 92 days prior to the spring primary and not later than 49~~  
20 ~~days prior to that the spring primary.~~ If a special election is held concurrently with  
21 the general election or a special election is held to fill a national office, the special  
22 election may be ordered not ~~earlier than 122~~ later than 92 days prior to the partisan  
23 primary or special primary, respectively, ~~and not later than 92 days prior to that~~  
24 ~~primary.~~

25 **SECTION 6.** 8.50 (2) (b) of the statutes is amended to read:

**BILL****SECTION 6**

1           8.50 (2) (b) If a primary is required, the primary shall be on the day 4 weeks  
2 before the day of the special election except as provided in sub. (3) (bm) and except  
3 when the special election is held on the same day as the general election the special  
4 primary shall be held on the same day as the partisan primary or if the special  
5 election is held concurrently with the spring election, the primary shall be held  
6 concurrently with the spring primary, and ~~except~~ when the special election is held  
7 on the Tuesday after the first Monday in November of an odd-numbered year, the  
8 primary shall be held on the 2nd Tuesday of August in that year.

9           **SECTION 7.** 8.50 (3) (bm) of the statutes is created to read:

10           8.50 (3) (bm) The names of the 2 persons receiving the highest number of votes  
11 in a nonpartisan primary shall be certified to appear on the ballot in the special  
12 election, but if any person receives a majority of the total number of votes cast in a  
13 nonpartisan primary, a special election shall not be held and that person shall be  
14 certified as the winner of the special election.

15           **SECTION 8.** 8.50 (4) (bm) of the statutes is created to read:

16           8.50 (4) (bm) Whenever a U.S. senator or representative in congress is elected  
17 to another office after the commencement of his or her term, and the term of the new  
18 office or the period during which the senator or representative is eligible to assume  
19 that office commences prior to the end of the senator's or representative's original  
20 term of office, the governor may call a special election to fill the seat of the senator  
21 or representative in anticipation of a vacancy, upon receipt of notice from the  
22 secretary of state that the secretary has received notice of the written resignation of  
23 that senator or representative under s. 17.02 (1) that is effective on a date not later  
24 than the date of the proposed special election.

25           **SECTION 9.** 8.50 (4) (f) 1. and 2. of the statutes are amended to read:



## BILL

1           8.50 (4) (f) 1. Except as provided in subds. 2. and 3., a vacancy in the office of  
2 justice, court of appeals judge, or circuit judge occurring in any year after the date  
3 of the spring election and on or before ~~December~~ August 1 shall be filled, if in the  
4 office of circuit judge, at the succeeding spring election; if in the office of court of  
5 appeals judge, at the first succeeding spring election when no other court of appeals  
6 judge is to be elected from the same court of appeals district; or, if in the office of  
7 justice, at the first succeeding spring election when no other justice is to be elected.

8           A vacancy in the office of justice, court of appeals judge, or circuit judge occurring  
9 after ~~December~~ August 1 and on or before the date of the succeeding spring election  
10 shall be filled, if in the office of circuit judge, at the 2nd succeeding spring election;  
11 if in the office of court of appeals judge, at the first spring election, beginning with  
12 the 2nd succeeding spring election, when no other court of appeals judge is to be  
13 elected from the same court of appeals district; or, if in the office of justice, at the first  
14 spring election, beginning with the 2nd succeeding spring election, when no other  
15 justice is to be elected.

16           2. If a vacancy in the office of justice, court of appeals judge, or circuit judge  
17 occurs after ~~December~~ August 1 and on or before the date of the succeeding spring  
18 election as the result of the resignation of the incumbent, if an election for that seat  
19 is scheduled to be held at the succeeding spring election and if the incumbent is not  
20 a candidate to succeed himself or herself, the vacancy shall be filled at the regularly  
21 scheduled election.

22           **SECTION 10.** 17.02 (1) of the statutes is amended to read:

23           17.02 (1) SENATORS AND MEMBERS OF CONGRESS. Of the resignation of a United  
24 States senator or member of congress from this state, by the senator or member of  
25 congress to the secretary of state. Upon receipt of notice of the resignation, the

End  
Insert  
23-8

Begin  
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40-8B

## BILL

## SECTION 10

1 secretary of state shall give immediate notice to the governor of the resignation  
 2 including the effective date thereof.

3 SECTION 11. 17.18 of the statutes is amended to read:

4 **17.18 Vacancies, U.S. senator and representative in congress; how**  
 5 **filled.** Vacancies in the office of U.S. senator or representative in congress from this  
 6 state shall be filled by election, as provided in s. 8.50 (4) (b), for the residue of the  
 7 unexpired term. In addition, an anticipated vacancy in the office of U.S. senator or  
 8 representative in congress may be filled as provided in s. 8.50 (4) (bm).

9 **SECTION 12. Initial applicability.**

10 (1) (This act first applies) with respect to special elections held to fill vacancies  
 11 occurring on the effective date of this subsection.

12 (END)

The treatment of sections 8.50 (intro) ↑, (1)(a) and (c) ↑  
 and (bm) and  
 (2)(a) ↑, (4)(f) 10 and 20 ↑; 17.02 (1) ↑; and 17.18 of the  
 statutes and the creation of sections 8.50 (1)(am) and  
 (4)(bm) of the statutes first apply first applies

End  
Insert  
40-8B

Insert  
40-25A

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-17637dn

TKK:.....

P3  
Wg

Date

Representative Bernier:

This draft includes the following new material:

1. Select modifications to special elections contained in LRB 13-0874/20 ✓
2. The following items, identified as campaign finance provisions, on the April 11, 2013, version of the drafting instructions:
  - a. Item 1 (changes to contribution and disbursement limits). ✓
  - b. Item 12 (prohibiting school districts from spending any revenue on information related to referenda). Please review the embedded, in-text notes and questions related to this provision. ✓
  - c. Item 13 a. (related to submitting electronic reports to the GAB). ✓
  - d. Item 15 (requiring state agency personnel to identify legislation on which they lobby). ✓
3. The following items, identified as miscellaneous changes, on the April 11, 2013, version of the drafting instructions:
  - a. Item 3 (require lobbyists to take biennial ethics training). Please review the embedded, in-text notes and questions related to this provision. ✓
  - b. Item 4 (require legislators to take ethics training). Please review the embedded, in-text notes and questions related to this provision. ✓

I am preparing modifications to the laws governing the scheduling of referenda in a separate draft. Also, Jeff Kuesel continues to work on provisions governing independent expenditures in a separate draft.

We look forward to working with you on the next draft.

Tracy K. Kuczenski  
Legislative Attorney  
Phone: (608) 266-9867  
E-mail: [tracy.kuczenski@legis.wisconsin.gov](mailto:tracy.kuczenski@legis.wisconsin.gov)

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1763/P3dn  
TKK:wlj:jm

April 19, 2013

Representative Bernier:

This draft includes the following new material:

1. Select modifications to special elections contained in LRB 13-0874/2.
2. The following items, identified as campaign finance provisions, on the April 11, 2013, version of the drafting instructions:
  - a. Item 1 (changes to contribution and disbursement limits).
  - b. Item 12 (prohibiting school districts from spending any revenue on information related to referenda). Please review the embedded, in-text notes and questions related to this provision.
  - c. Item 13 a. (related to submitting electronic reports to the GAB).
  - d. Item 15 (requiring state agency personnel to identify legislation on which they lobby).
3. The following items, identified as miscellaneous changes, on the April 11, 2013, version of the drafting instructions:
  - a. Item 3 (require lobbyists to take biennial ethics training). Please review the embedded, in-text notes and questions related to this provision.
  - b. Item 4 (require legislators to take ethics training). Please review the embedded, in-text notes and questions related to this provision.

I am preparing modifications to the laws governing the scheduling of referenda in a separate draft. Also, Jeff Kuesel continues to work on provisions governing independent expenditures in a separate draft.

We look forward to working with you on the next draft.

Tracy K. Kuczenski  
Legislative Attorney  
Phone: (608) 266-9867  
E-mail: [tracy.kuczenski@legis.wisconsin.gov](mailto:tracy.kuczenski@legis.wisconsin.gov)

## Kuczenski, Tracy

---

**From:** Hanus, Andrew  
**Sent:** Friday, May 03, 2013 2:57 PM  
**To:** Kuczenski, Tracy  
**Cc:** Kuesel, Jeffery; Kreye, Joseph  
**Subject:** RE: Campaign finance provisions from 0078/5

Thank you all.

Tracy, to answer the rest of your questions in the drafting notes in LRB 1763/P3:

-DN on page 49: Please impose the new lobbyist ethics training requirement beginning with the next biennium. Also, I think we talked about this one when we met, but to make sure, just have the draft retain current language that permits GAB to impose a fee for such training. *§ 3. 63(1)(a)*

-DN on page 50: No.

-DN on page 51: Yes.

---

**From:** Kuesel, Jeffery  
**Sent:** Friday, May 03, 2013 2:08 PM  
**To:** Hanus, Andrew  
**Cc:** Kuczenski, Tracy; Kreye, Joseph  
**Subject:** RE: Campaign finance provisions from 0078/5

Andrew,  
We will take care of it.

Jeff

---

**From:** Hanus, Andrew  
**Sent:** Friday, May 03, 2013 11:02 AM  
**To:** Kuesel, Jeffery  
**Subject:** Campaign finance provisions from 0078/5

Could you please incorporate the following into the next P draft of LRB-1763:

- the new language in Tauchen's 0078/5 regarding independent expenditures/disbursements
- the provision in Tauchen's 0078/5 referred to in the analysis as "Internet political activity; individual and public communications"

Thank you!

Andrew

Andrew Hanus  
Office of Assembly Speaker Vos  
211 West, State Capitol  
Phone: (608) 266-9171

## Kuesel, Jeffery

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**From:** Kuczenski, Tracy  
**Sent:** Tuesday, May 07, 2013 7:55 AM  
**To:** Kuesel, Jeffery; Kreye, Joseph; Jackson, Wendy  
**Subject:** RE: -1763/P4 (in-house compiled version)

Hi Wendy –

Yes, I believe \$20 should be \$25. Thank you!

Tracy K. Kuczenski  
*Legislative Attorney*  
Wisconsin Legislative Reference Bureau  
[tracy.kuczenski@legis.wisconsin.gov](mailto:tracy.kuczenski@legis.wisconsin.gov)  
(608) 266-9867

---

**From:** Kuesel, Jeffery  
**Sent:** Monday, May 06, 2013 5:20 PM  
**To:** Kuczenski, Tracy; Kreye, Joseph  
**Subject:** FW: -1763/P4 (in-house compiled version)

Tracy/Joe:

The mergers look OK to me. You might want to review.

Could one of you answer Wendy's question on s. 11.23 (3), stats.?

Jeff

---

**From:** Jackson, Wendy  
**Sent:** Monday, May 06, 2013 2:28 PM  
**To:** Kuesel, Jeffery  
**Subject:** RE: -1763 (please ignore first question)

Thanks, Jeff. When you review the /P4 this afternoon, please note that I merged the duplicate treatments of 6.88 (3) (a) and 7.30 (2) (a).

Also, would you please look at the amendment of 11.23 (3)? Should "\$20" be "\$25"?

Wendy

---

**From:** Kuesel, Jeffery  
**Sent:** Monday, May 06, 2013 1:53 PM  
**To:** Jackson, Wendy  
**Subject:** RE: -1763 (please ignore first question)

Wendy,

Yes, /P4. We are just putting in the changes from the compile so we have a clean version on which to mark the substantive changes.

Jeff

---

**From:** Jackson, Wendy  
**Sent:** Monday, May 06, 2013 1:46 PM

SortList:

(Note: pastes nicely into Microsoft Excel, when cell format is set to 'Text')

\*\*\*\*\*

COMPONENT DRAFT ACTION

-0046/25.052 (3) (a) to (e) of the statutes are amended to read:

-0116/16.87 (6d) of the statutes is created to read:

-0122/16.88 (3) (a) of the statutes is amended to read:

-0123/17.30 (2) (a) of the statutes is amended to read:

-0115/17.51 (3) (a) of the statutes is amended to read:

-0121/19.01 (1) (b) (intro.) of the statutes is amended to read:

-0121/19.01 (1) (b) 1. of the statutes is amended to read:

-0122/19.01 (1) (b) 1. of the statutes is amended to read:

-0046/2Section 2. Initial applicability.

-0123/1Section 2. Initial applicability.

-0121/1Section 3. Initial applicability.

-0122/1Section 3. Initial applicability.

Jeff, this is 9.01(1)(L) 1., not  
19.01(1)(L) 1. ... so I  
think this is yours and Joe's  
conflict.

not sure what to do about the brand initial agr.

Please compile and return to JTK

1763/P3

0122

0121

0114

0046

0115

0123

~~0046~~

~~0415~~

~~0116~~

~~0121~~

~~0122~~

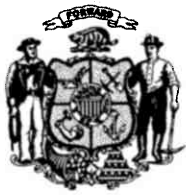
~~0123~~

to create 1763/P4

Please make changes to the analysis, attached.

These were compiled  
into 2303/P1 which is  
now in hold - And All  
the sections + relating to  
and analyses are put into  
the 1763/P4.





State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-1763/P3  
JTK/JK/TKK:all:jm

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

1     **AN ACT *to repeal*** 11.09, 11.26 (4), 11.26 (9), 11.38 (1) (a) 3. and 11.38 (2) (c); ***to***  
2         ***renumber and amend*** 6.97 (3) (b), 11.01 (16) (b), 11.05 (8) and 11.20 (4); ***to***  
3         ***amend*** 5.15 (6) (b), 5.35 (6) (a) 2., 5.90 (1), 6.15 (2) (bm), 6.29 (2) (b), 6.34 (2),  
4         6.34 (3) (a) 8., 6.55 (2) (b), 6.55 (2) (c) 1., 6.79 (2) (a), 6.79 (2) (d), 6.82 (1) (a), 6.86  
5         (1) (b), 6.88 (3) (a), 7.30 (2) (a) and (b), 7.51 (5) (b), 8.50 (intro.), 8.50 (1) (a), 8.50  
6         (1) (c), 8.50 (2) (a), 8.50 (4) (f) 1. and 2., 9.01 (1) (ag) 1m., 9.10 (2) (b), 9.10 (2) (d),  
7         11.01 (16) (intro.), 11.01 (16) (a) (intro.), 11.05 (1), 11.05 (2), 11.05 (2r), 11.05 (3)  
8         (c), 11.05 (12) (b), 11.06 (1) (intro.), 11.06 (1) (j), 11.12 (1) (d), 11.12 (3), 11.12 (4),  
9         11.16 (1) (d), 11.19 (2), 11.21 (16), 11.23 (1), 11.23 (3), 11.26 (1) (a), 11.26 (1) (b),  
10         11.26 (1) (c), 11.26 (2) (a), 11.26 (2) (b), 11.26 (2) (c), 11.26 (5), 11.26 (6), 11.26 (8)  
11         (a), 11.26 (8) (b), 11.26 (8) (c), 11.26 (17) (a), 11.29 (1), 11.31 (1) (a), 11.31 (1) (b),  
12         11.31 (1) (c), 11.31 (1) (d), 11.31 (1) (e), 11.31 (1) (f), 11.38 (title) and (1) (a) 1.,  
13         11.38 (1) (b), 13.625 (1) (c) (intro.), 13.63 (1) (a), 13.695 (1) (a), 13.695 (1) (b),  
14         17.02 (1), 17.18, 120.13 (intro.) and 121.91 (3) (a); ***to repeal and recreate*** 11.01  
15         (16) (a) 1.; and ***to create*** 6.34 (3) (a) 12., 6.86 (1) (bb), 6.97 (3) (b) 2., 8.50 (4) (bm),

1 11.01 (11g) and (11r), 11.01 (16) (b) 1., 11.05 (11g), 11.06 (1g), 11.20 (4) (a) 1.,  
2 11.20 (4) (a) 2., 11.25 (4), 11.26 (18), 11.31 (2m), 11.33 (2m), 11.38 (1) (a) 4. and  
3 13.025 of the statutes; **relating to:** various changes in the campaign finance  
4 laws; identifying documentation to establish proof of residency for voter  
5 registration; recording the type of identifying document provided as proof of  
6 residence; limiting the times for voting by absentee ballots in person; the  
7 method of reporting election returns by municipalities; fees for election  
8 recounts; the method of recounting votes cast with automatic tabulating  
9 equipment; residency of election officials; and recall petition requirements.

---

***Analysis by the Legislative Reference Bureau***

This bill makes various changes in the campaign finance, election, and lobbying regulation laws. Significant provisions include:

***Disclosure of political activity***

Currently, with certain exceptions, individuals who accept contributions, organizations that make or accept contributions, and individuals who or organizations that incur obligations or make disbursements for the purpose of influencing an election for state or local office are required to register with the appropriate filing officer or agency and to file financial reports with that officer or agency, regardless of whether they act in conjunction with or independently of any candidate who is supported or opposed.

This bill provides that registration and reporting requirements apply to any communication that contains certain explicit terms with reference to a clearly identified candidate that expressly advocates the election or defeat of that candidate and unambiguously relates to that candidate. The bill also provides that these requirements do not apply to a communication made by an individual other than a candidate, or by an organization that receives donations or other income not directed at political activity, if the communication does not expressly advocate the election or defeat of a clearly identified candidate or the adoption or rejection of a question at a referendum. The change in the scope of reportable activity under the bill also affects contribution limitations and prohibitions by causing the term "contribution" to exclude the cost of any communication that is not reportable under the bill.

***Corporate political activity***

Under current law, corporations and cooperatives are prohibited from making contributions or disbursements (expenditures) in campaigns for state or local office. Violators are subject to a forfeiture (civil penalty) of not more than \$500 for each violation. Intentional violators are guilty of a Class I felony, which is punishable by

*Handing*  
**CAMPAIGN  
FINANCE**

must specify, by rule, a suitable software for electronic filing and provide copies of that software, at cost, to registrants. A registrant, however, must still provide a signed hard copy of a campaign finance report to the GAB even if the report is filed electronically.

Under the bill, a registrant who or that files campaign finance reports electronically is not required to file a signed hard copy with the GAB. In addition, the software that the GAB specifies for electronic filing must allow a registrant to provide a verifiable electronic signature.

### ***Campaign finance record keeping***

With some exceptions, current law requires an individual, candidate, group, or committee that makes or accepts a contribution, incurs an obligation, or makes a disbursement for political purposes and in an amount that exceeds \$25 to register with the GAB. Under current law, each registrant must maintain records of any contribution, disbursement, and incurred obligation that exceeds \$10. This bill increases the \$10 record-keeping threshold to \$20.

### ***Communications with members of certain entities***

Current law permits any corporation, cooperative, unincorporated cooperative association, or voluntary association to make a disbursement for the purpose of communicating only with its members to endorse a candidate, explain its views or interests, or take a position on a referendum without being subject to reporting requirements for this activity. This bill clarifies that any such communication, while remaining exempt from the reporting requirement, may include information on how a member may contribute to an endorsed candidate.

### ***Reporting of attempts to influence legislative action by state agencies***

Current law requires employees and officers of state agencies who attempt to influence legislative action to biennially file a statement that identifies the name of the agency; the name, title, and salary paid to the employee or officer; the amount of time spent on the activity; and the general area of legislative action the employee or officer has attempted to influence. For purposes of this requirement, the statutes define "agency" to mean "any board, commission, department, office, society, institution of higher education, council, or committee in the state government" and certain authorities created under state law, except that "agency" does not include a council or committee of the legislature. This bill requires the officer or employee to report the number of each introduced bill on which the officer or employee attempts to influence legislative action.

### ***Campaign contributions by lobbyists***

Currently, a lobbyist may make a campaign contribution to a partisan elective state official or candidate for partisan elective state office in the year of the official's or candidate's election between June 1 and the day of the election. This bill extends the time during which a lobbyist may make such a contribution to between April 15 and the day of the election.

### ***Ethics training for lobbyists and legislators***

Currently, the GAB administers programs to explain the laws that regulate lobbying and prescribe codes of ethics for state public and elected officials. These

② Hearing  
LOBBYING

② Hearing  
ETHICS

programs are offered to state public officials, elective public officials, and candidates for public office, among others. This bill requires any person seeking a license to practice as a lobbyist to complete four credits of ethics training administered by the GAB within the 24 months preceding the individual's application to practice as a lobbyist. The bill also requires each member of the legislature to complete ethics training administered by the GAB prior to taking the oath of legislative office.

### ***Communications by legislators***

Currently, with certain exceptions, no person who is elected to state or local office and who becomes a candidate for national, state, or local office may use public funds for the cost of materials or distribution of 50 or more pieces of substantially identical material distributed during the period beginning on the first day for circulation of nomination papers as a candidate (or certain other dates for candidates who do not file nomination papers) and ending on the date of the election at which the person's name appears on the ballot, or on the date of the primary election at which the person's name so appears if the person is not nominated at the primary.

This bill provides that this prohibition does not apply to the cost of materials or distribution of a communication made by a member of the legislature to an address located within the legislative district represented by that member during the 45-day period following declaration of a state of emergency by the governor affecting any county in which the district is located if the communication relates solely to the subject of the emergency.

### ***Prohibitions on certain expenditures by school districts***

Current law generally limits the amount of per pupil revenue a school district may receive from general school aids and property taxes to the amount of revenue allowed per pupil in the previous school year. A school board may adopt a resolution to exceed the revenue limit; a resolution adopted by the school board must be submitted to the electors of the school district at a referendum before the school district may exceed its revenue limit. This bill prohibits a school board from spending any state aid or property tax revenue to publish or disseminate information related to or to promote any referendum called by the school district to exceed its revenue limit.

### ***Exemption from proof of identification requirement***

Currently, with certain exceptions, an elector who votes in an election must present proof of identification in order to vote. The proof may consist of one of a number of documents specified by law that contains the name of the individual to whom the document was issued, which name conforms to the individual's voter registration, if the individual is registered to vote, and with limited exceptions, that contains a photograph of the individual. With certain exceptions, an elector who casts an absentee ballot by mail must enclose a copy of his or her proof of identification in the envelope containing his or her ballot. One form of acceptable proof of identification is a Wisconsin driver's license or identification card issued by the Department of Transportation. An individual who applies for a Wisconsin operator's license or identification card may be exempted from the current requirement to be photographed under narrowly defined circumstances.

Move to p. 6  
of analysis  
before lobbying  
heading

Move to p. 12  
of analysis

Heading  
ELECTION  
ADMINISTRATION

This bill exempts an elector from the requirement to provide proof of identification if the elector appears at the polling place serving his or her residence on election day, casts a provisional ballot, and subsequently files at the office of the municipal clerk or board of election commissioners where the elector resides an affidavit affirming one of the following: 1) that he or she is indigent and cannot obtain proof of identification without payment of a fee; 2) that he or she has a religious objection to being photographed; or 3) that he or she cannot obtain the documentation required to obtain proof of identification.

### ***Proof of residency for voter registration***

With limited exceptions, current law requires each person who is an eligible elector and who wishes to vote in this state to first register. In certain circumstances, an eligible elector must submit proof of residence with his or her registration form or prior to being permitted to vote. For example, a person who registers in the clerk's office of his or her municipality within 20 days of an election must provide proof of residence in order to obtain registration. Current law provides a list of qualifying identifying documents and specifies the information that must appear on those documents. Identifying documents must contain the registrant's name and current address and qualifying identifying documents include a real estate tax bill, a bank statement, and a current and valid Wisconsin driver license or identification card.

This bill prohibits an elector from providing an identifying document that is displayed electronically to establish proof of residence; the identifying document must be provided in hard-copy form. The bill adds to the list of qualifying identifying documents a bill for cellular or wireless telephone service for the period commencing no earlier than 90 days before election day and a credit card statement for the period commencing no earlier than 90 days before election day.

### ***Registration***

This bill requires the municipal clerk, clerk's agent, and other individuals authorized to accept receipt of a registration form from an elector to enter on the registration form or poll list, and in some cases both the registration form and poll list, the type of identifying document submitted by the elector as proof of residence when proof of residence is required of the elector.

### ***Voting by absentee ballots in person***

Under current law, a person may apply to the municipal clerk in person to vote using an absentee ballot. In-person applications to vote using an absentee ballot may be made beginning on the third Monday preceding the election and ending on the later of 5 p.m. or the close of business on the Friday preceding the election.

Under this bill, in-person applications to vote using absentee ballots may be received only Monday to Friday between the hours of 7:30 a.m. and 6 p.m., except that an individual may make an appointment with the actual city, town, or village clerk, as appropriate, so that the clerk, not a member of the clerk's staff or a designated agent, may receive the individual's application made in person after 6 p.m. or anytime on Saturday or Sunday, not including the Saturday and Sunday after the Friday preceding the election.

In order,  
next analyses  
from:  
-0122  
-0121  
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-0046  
-0115  
-0123

84 coding  
OTHER CHANGES

a code of ethics law applicable to local officials. The person must also include a copy of the criminal or civil complaint alleging the crime or violation.

Insert  
from p. 7

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           SECTION 1. 5.15 (6) (b) of the statutes is amended to read:

2           5.15 (6) (b) No later than 30 days before each election, the governing body of  
3           any municipality may by resolution combine 2 or more wards for voting purposes to  
4           facilitate using a common polling place. Whenever wards are so combined, the  
5           original ward numbers shall continue to be utilized for all official purposes. Except  
6           as otherwise authorized under this paragraph, every municipality having a  
7           population of 35,000 or more shall maintain separate returns for each ward so  
8           combined. In municipalities having a population of 35,000 or more, the governing  
9           body may provide in a resolution that returns for any ward having a population of  
10           20 or less be combined with returns for any adjacent ward, if the total population of  
11           the combined wards does not exceed the applicable population range under sub. (2)  
12           (b) for wards in that municipality. In municipalities having a population of less than  
13           35,000, the governing body may provide in the resolution that returns shall be  
14           maintained only for each group of combined wards at any election. Whenever a  
15           governing body provides ~~for common ballot boxes and ballots or voting machines,~~  
16           that returns shall be maintained only for combined wards under this paragraph, the  
17           municipality shall report ~~separate returns shall be maintained~~ results for each  
18           separate ballot required under ss. ~~5.62 and 5.58 to 5.64 at the partisan primary and~~  
19           ~~general election.~~ The municipal clerk shall transmit a copy of the resolution to the  
20           county clerk of each county in which the municipality is contained. In municipalities  
21           having a population of less than 35,000, the resolution shall remain in effect for each